

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

CASE REPORT

| | | | |
|--|---|---|--|
| Investigation Number 12-251-00380 | Date of Occurrence December 8, 2012 | License Number ABRA-074895 | Application Number |
| Trade Name The Tap & Parlour/Bohemian Caverns | | Owner/Licensee (List Sole Owner or Principal) Mahogany LLC Omaro Brown, Managing Member Sashi Brown, Managing Member Tayari Starr, Managing Member | |
| Address 2001 11 th Street N.W. Washington, D.C. 20001 | | License Description Retailer CT | Date of Complaint December 8, 2012 |
| Complainant Name, Phone and Address | | <input checked="" type="checkbox"/> Anonymous | |
| Investigator Name Abyie Ghenene | | Type of Report <input checked="" type="checkbox"/> Investigative <input type="checkbox"/> Supplemental <input type="checkbox"/> Information | |
| Alleged Violation(s) and Code/Regulation Citation | | Substantiated Yes/No | |
| DCMR 23-705 Hours of sale and delivery for off-premises retail licenses | | Yes | |
| D.C. Official Code 25-762 Substantial Change in operation must be approved | | Yes | |
| D.C. Official Code § 25-823 Revocation or suspension for violations of this title or misuse of licensed premises | | | |
| Manager-in-charge/Owner's name at the time of inspection and identification: None | | | |
| All Licenses in Compliance: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable | | | |
| List Licenses not in Compliance: | | | |
| <p>SUMMARY: Alcoholic Beverage Regulation Administration (ABRA) Investigator Abyie Ghenene determined that on Saturday, December 8, 2012, a female patron was allegedly sexually assaulted by an employee of The Tap & Parlour/Bohemian Caverns, located at 2001 11th Street N.W. The sexual assault occurred on the street level floor of The Tap & Parlour/Bohemian Caverns after the establishment's ABC Board approved hours of operation. This determination was made based on Metropolitan Police Department (MPD) statements. On Saturday, December 8, 2012, MPD Chief Cathy Lanier closed The Tap & Parlour/Bohemian Caverns for up to 96 hours, as a result of this incident and requested that the ABC Board revoke The Tap & Parlour/Bohemian Caverns's ABC License. Additionally, The Tap & Parlour/Bohemian Caverns was in violation of DC Municipal regulations §23-705, DC Official Codes §25-762 and §25-823 (6). Specifically The Tap & Parlour/Bohemian Caverns allowed alcohol consumption after their legal ABC Board approved hours. This determination was based on MPD observations and statements. </p> | | | |
| <p>DETAILS: On Saturday, December 8, 2012, ABRA Supervisory Investigator Keith Gethers notified Investigator Ghenene that an alleged Sexual Assault (Forcible) occurred inside of The Tap & Parlour/Bohemian Caverns, located at 2001 11th Street N.W. </p> <p>The MPD PD-251 report (CCN #12171646) (Exhibit #1), which documents this incident was completed by MPD Third District Officer Gia Williams. The PD-251, dated December 8, 2012, states the following:</p> | | | |

- **On above date and approximate time C-1 reports that S-1 committed a sexual act with her against her will and knowledge.**

On Saturday, December 8, 2012, at approximately 7:30 p.m., Investigator Ghenene spoke with MPD Detective Derrick Bolding, regarding the incident. Detective Bolding stated that much of the information regarding the incident could not be released given the nature of the incident and status of the investigation.

Detective Bolding stated that the complainant (C-1) stated that she and a small group of friends visited The Tap & Parlour/Bohemian Caverns at approximately 3:00 a.m. Detective Bolding stated that a friend of the complainant (C-1) knew a manager at The Tap & Parlour/Bohemian Caverns and that the complainant (C-1) and a small group of friends were invited there by the manager for a private party. Detective Bolding stated that all the individuals in the group are over 21 years of age. Detective Bolding stated that the complainant (C-1) stated that she consumed alcoholic beverages prior to visiting The Tap & Parlour/Bohemian Caverns. Detective Bolding stated that the complainant (C-1) and the group she arrived with joined a small group of employees of The Tap & Parlour/Bohemian Caverns on the lower level of the establishment. Detective Bolding stated that the complainant (C-1) stated that she consumed one beer while inside The Tap & Parlour/Bohemian Caverns. Detective Bolding stated that the two groups consumed alcoholic beverages on the lower floor for a while and at some point, the complainant (C-1) became tired and went upstairs to the street level floor of The Tap & Parlour/Bohemian Caverns to lie down and rest on top of the bar on the main floor (Exhibit #2). Detective Bolding stated that at some point after falling asleep on the street level floor, the complainant (C-1) awoke to the suspect (S-1) having sexual intercourse without her consent. Detective Bolding stated that the complainant (C-1) and her friends exited The Tap & Parlour/Bohemian caverns at approximately 4:00 a.m. at which time the complainant (C-1) reported the incident. Detective Bolding stated that when MPD arrived at The Tap & Parlour/Bohemian Caverns, they found the main door open and unsecured but with the deadbolt extended. Detective Bolding stated that they did not find anybody inside the location.

According to The Tap & Parlour/Bohemian Caverns ABC License (Exhibit #3), the ABC Board approved Hours Operation on Friday evenings ends at 3:00 a.m. on Saturday mornings.

The Tap & Parlour/Bohemian Caverns does not have a Security Plan on file with ABRA.

On Saturday, December 8, 2012, at approximately 7:09 p.m., MPD Chief Cathy Lanier sent an Emergency Closure Letter to ABRA Director, Fred Moosally (Exhibit #4). The letter summarizes the Sexual Assault incident documented in the PD-251 report. Chief Lanier's letter states that at 6:00 p.m. on December 8, 2012, she closed The Tap & Parlour/Bohemian Caverns for up to 96 hours, pursuant to her authority under the Emergency Suspension of Liquor Licenses Act of 2005. The letter also states that Chief Lanier requests that the ABC Board revoke the ABC License of The Tap & Parlour/Bohemian Caverns, pursuant to D.C. Official Code 25-827, in order to ameliorate the threat to public safety which the establishment presents.

On Monday, December 10, 2012, Investigator Ghenene and ABRA Supervisory Investigator Keith Gethers visited The Tap & Parlour/Bohemian Caverns to take photographs of the establishment and interview Mr. Omoaro Brown, an owner of the establishment. Investigator Ghenene and Supervisory Investigator Gethers entered The Tap & Parlour/Bohemian Caverns and met with Mr. Brown. Mr. Brown stated that on the night of the alleged incident he left the establishment at approximately 10:30 p.m. Mr. Brown stated that he turned over all management and operation responsibilities to Mr. Mark Rodriguez, Manager at The Tap & Parlour/Bohemian Caverns. Mr. Brown stated that his Head of Security left the establishment at approximately 3:00 a.m., once all the patrons were out of the building. Mr. Brown stated that employees are not allowed to host private events at the establishment and that it is The Tap & Parlour/Bohemian Caverns policy that all alcoholic beverage service and consumption end at 3:00 a.m. Mr. Brown also stated that it is The Tap & Parlour/Bohemian Cavern policy that all patrons must be out of the building by 3:00 a.m. Mr. Brown stated that both employees involved in the incident were placed on administrative leave, without pay, indefinitely as of

Saturday, December 8, 2012.

On Monday, December 10, 2012, while at The Tap & Parlour/Bohemian Caverns, Investigator Ghenene observed that there are several couches on the main floor (Exhibit #5). Investigator Ghenene also observed that the locking mechanism to the front the door appeared to be recently repaired (Exhibit #5).

Mr. Brown stated that on the night of the incident, The Tap & Parlour/Bohemian Caverns had the following operations:

- 4 security guards were on duty
- Security guards wore all black attire
- 2 cameras recording, 2 cameras broken
- Patrons were required to be 21 years of age or older to enter

On Saturday, December 8, 2012, Mr. Brown stated that his morning manager arrived at The Tap & Parlour/Bohemian Caverns and found the main door unsecured. Mr. Brown stated that his morning manager contacted him and he arrived shortly thereafter. Mr. Brown stated that the deadbolt on the door was extended but not into the frame. Mr. Brown stated that the locking mechanism was malfunctioning and he was unaware of its deficiency until that morning. Mr. Brown stated that after further inspection of the locking mechanism, he believes that Mr. Rodriguez engaged the deadbolt properly and secured the door, but since the locking mechanism was malfunctioning, someone would have been able to pull the doors open, defeating the deadbolt, using minimum force. Mr. Brown stated that he fixed that locking mechanism as soon as he was aware of the issue.

On Monday, December 10, 2012 Mr. Brown stated in addition to fixing the locking mechanism, he was revamping his security system to possibly include email notification of security breaches as well as adding wireless cameras to the establishment. Mr. Brown stated he is exploring hiring an outside firm to formally train all The Tap & Parlour/Bohemian Caverns employees.

EXHIBITS ATTACHED

1. PD 251 (CCN 12171646); 12/8/12
2. Copy of The Tap & Parlour/Bohemian Caverns ABC License
3. Photograph of the bar on main floor where alleged sexual assault occurred, 12/10/12
4. Copy of Closure Letter, 12/8/12
5. Photograph of couches on main floor, 12/10/12
6. Photograph of couches of locking mechanism, 12/10/12

INVESTIGATIVE HISTORY

1. 5/19/11: **Case #11-CMP-00205**, Posting and carrying of licenses, legible lettering, Citation #7760, warning.
2. 9/8/10: **Case #10-CMP-00572**, Operating after Board approved hours. 9/22/10: The Board referred to the staff for settlement. 11/12/10: \$1,500 fine paid.
3. 7/20/10: **Case #10-CC-00108**, Sale to minor on 7/15/10. 8/11/10: The Board requested a warning letter be sent and referred to the staff for settlement for the No ABC Manager on duty violation. 9/9/10: \$250 fine paid.
4. 1/20/10: **Case #10-CMP-00029**, Substantial Change in Operation Must be Approved; License Endorsement; Cover Charge Endorsement. 2/17/10: The Board referred to the staff for settlement. 6/7/10: \$500 fine paid.
5. 1/14/08: **Case #12587**, Trade Name and After Hours violations. 7/31/08: The Board accepted an OIC as

follows: (1) Fine in the amount of \$1,250 payable in 60 days and (2) a 3-day suspension with 1 day stayed and 2 days to be served on September 2, 2008 and September 4, 2008. 10/16/08: Fine paid.

6. 1/14/08: **Case #12240**, Trade Name violation. 3/5/08: The Board requested that a citation be issued. Please see **Case #12587**.

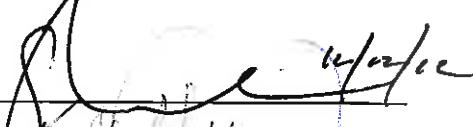
Abbreviations:

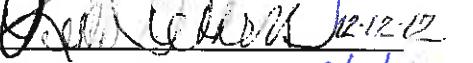
OAG = Office of the Attorney General

OIC = Offer in Compromise

GOVERNMENT WITNESS INTERVIEWED

| | | |
|---------------------------------|----------|--------------------|
| NAME: Detective Derrick Bolding | ADDRESS: | TEL # 202-727-3700 |
| NAME: Officer Gia Williams | ADDRESS: | TEL # 202-673-6815 |
| NAME: | ADDRESS: | TEL # |
| NAME: | ADDRESS: | TEL # |

Investigator's Printed Name Abyie Ghenene Signature and Date  12/12/08

Reviewed By Printed Name Keith Gethers Signature and Date  12/12/08

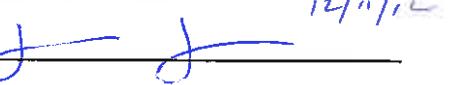
Approved By Printed Name Johnnie Jackson Signature and Date  J J 12/14/08

Exhibit #1

Preliminary Public MPD Document

Metropolitan Police
Department Washington,
D.C.

Incident - Based Event Report



REPORT NUMBER: 12171646

| PART I - CLASSIFICATION OF EVENT | | | | | | |
|---|--|---|--|---|-------------------------------|---------------------------------|
| TYPE OF REPORT Offense | EVENT START DATE / TIME 12/08/2012 / 0300 | | EVENT END DATE / TIME 12/08/2012 / 0330 | DATE OF REPORT 12/08/2012 | TIME OF REPORT 0605 | |
| DISTRICT 3D | SECTOR | PSA 305 | | COMPLAINT NUMBER 12171646 | | |
| EVENT LOCATION ADDRESS 2000 11TH ST NW | | POSITION INSIDE OF | REPORT RECEIVED BY | RADIO RUN LOCATION IF DIFFERENT FROM EVENT LOCATION [REDACTED] | PROPERTY TYPE PRIVATE | |
| EVENT NO. 1 SEXUAL ABUSE, 2ND DEGREE (FORCIBLE) | | | | | | |
| EVENT NO. 2 ABC VIOLATION OR INCIDENT | | | | | | |
| FORCED ENTRY NO | POINT OF ENTRY | Method Used | | | WEATHER CONDITIONS UNKNOWN | |
| SUSPECTED HATE CRIME? | | SECURITY SYSTEM CAMERA | LOCATION TYPE RESTAURANT | | DESIGNATED AREAS OTHER | |
| PART II - VICTIM INFORMATION | | | | | | |
| 1 | TYPE COMPLAINANT | NAME OF COMPLAINANT/VICTIM/MISSING PERSON NO. R N | | | RELATED TO EVENT NO(S). 1 | VICTIM TYPE INDIVIDUAL |
| | DATE OF BIRTH [REDACTED] | | AGE RANGE 25 | SEX FEMALE | HOME PHONE | BUSINESS PHONE |
| | RACE / ETHNICITY HISPANIC / HISPANIC ORIGIN | | | HOME ADDRESS | | |
| | BUSINESS ADDRESS/SCHOOL | | OCCUPATION | | | IS EVENT RELATED TO OCCUPATION? |
| | ADDITIONAL MEANS TO CONTACT COMPLAINANT/VICTIM NO. | | | | | |
| | | | | | | |

INJURIES Use the following codes to describe injuries.

| | | | |
|--------------------------|----------------------|---------------------------|---------------------------------------|
| N = None Visible | O=Other Major Injury | M = Apparent Minor Injury | I = Possible Internal Injury |
| T = Loss of Teeth | L=Severe Laceration | B = Apparent Broken Bones | G = Gunshot |
| INJURED 1 COMPLAINANT | NUMBER 1 | INJURY CODE O | DESCRIBE INJURY OTHER MAJOR INJURY |
| WHERE TAKEN | BY WHOM | DCFD AMB. | DCFD AMB# |

PART V - SUSPECT INFORMATION

| | | | | | | |
|-------------------------|------------------|--------------------------------|--------------------|--------|---------------|------|
| Type | Race / Ethnicity | Sex | Exact Age or Range | Height | Weight | Eyes |
| Suspect | UNKNOWN | UNKNOWN | | | 200 | |
| HAIR Multi-colored | Complexion | Scars | Facial Hair | Hat | Coat / Jacket | |
| 1 PANTS | Blouse / Shirt | Perpetrator Suspected of Using | | | | |
| WEAPONS USED IN OFFENSE | | | | | | |
| FIREARM | OTHER UNKNOWN | Color | Make | Model | Caliber | |

NARRATIVE Describe event and action taken.

ON ABOVE DATE AND APPROXIMATE TIME C-1 REPORTS THAT S-1 COMMITTED A SEXUAL ACT WITH HER AGAINST HER WILL AND KNOWLEDGE.

| | | | | | |
|--|---|-----------------------------|---|----------|----------------|
| Evidence Technician/CSES # | Name of Investigator Notified | Teletype Notified (Name) | Notification Also Required Whenever Missing Person Located | | |
| Teletype # | Reporting Officer's Signature WILLIAMS, GIA T | Reporting Officer's Email | Badge Number | Element | |
| Other Police Agency | Second Officer's Name | Second Officer's Email | Badge Number | Element | |
| Signature of Supervisor MARADIAGA, GEORGE D | Supervisor's Email | Badge Number S0790 | Element 3D | Reviewer | Status Open |

**The Tap & Parlour/Bohemian Caverns
Mahogany, LLC
2001 11TH ST NW A
License Number : ABRA-074895
License Class: Tavern C Capacity: 200
Issue Date: December 08, 2012**

Endorsement(s): Cover Charge Entertainment Sidewalk Cafe

Hours of Operation

| | Operation | Sales | Entertainment |
|-------------------|--------------|--------------|---------------|
| Sunday: | 12 pm - 2 am | 12 pm -2 am | 8 pm - 2 am |
| Monday: | 12 pm - 2 am | 12 pm - 2 am | 8 pm - 2 am |
| Tuesday: | 12 pm - 2 am | 12 pm - 2 am | 8 pm - 2 am |
| Wednesday: | 12 pm - 2 am | 12 pm - 2 am | 8 pm - 2 am |
| Thursday: | 12 pm - 2 am | 12 pm - 2 am | 8 pm - 2 am |
| Friday: | 12 pm - 3 am | 12 pm - 3 am | 8 pm - 3 am |
| Saturday: | 12 pm - 3 am | 12 pm - 3 am | 8 pm - 3 am |

Sidewalk Cafe Hours of Operation

| | Operation | Sales |
|-------------------|---------------|---------------|
| Sunday: | 12 pm - 12 am | 12 pm - 12 am |
| Monday: | 12 pm - 12 am | 12 pm - 12 am |
| Tuesday: | 12 pm - 12 am | 12 pm - 12 am |
| Wednesday: | 12 pm - 12 am | 12 pm - 12 am |
| Thursday: | 12 pm - 12 am | 12 pm - 12 am |
| Friday: | 12 pm - 12 am | 12 pm - 12 am |
| Saturday: | 12 pm - 12 am | 12 pm - 12 am |

Expiration Date: 09/30/2013

You will be billed annually for any balance due.

Re Tap + Parloose/Bahemian Caverns

Exhibit #3





GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT

[REDACTED]
[REDACTED]

December 8, 2012

Fred Moosally, Director
Alcoholic Beverage Regulation Administration
2000 14th Street, NW
Fourth Floor, Suite 400S
Washington, D.C. 20009

Re: REQUEST FOR REVOCATION OF LICENSE OF:

Owner: Oмаро Brown
Address: [REDACTED]

Owner: Sashi Brown
Address: [REDACTED]

Owner: Tayari Starr
Address: [REDACTED]

Trade Name: The Tap & Parlour/Bohemian Taverns
License Class: CT
License Number: ABRA-074895
Address: 2001 11th Street, NW, Washington DC

Dear Director Moosally:

This letter is in reference to the establishment located at 2001 11th Street, NW, Washington, D.C., which operates as "The Tap & Parlor". I am requesting that an immediate revocation of the alcohol license take place to ensure the safety of all citizens and visitors of Washington, D.C.

On December 8, 2012, members from the Metropolitan Police Department were summoned to the 700 block of Harvard Street, NW, for a sexual assault. Once the units arrived on the scene and interviewed the complainant it was discovered that she was a victim of a Second Degree Sexual Assault. The complainant furthered advised it occurred while she was at 2001 11th Street, NW, the Bohemian Caverns, after the location was closed. Further preliminary information indicated that a friend of the complainant knew the manager of the Bohemian Caverns and the manager allowed them inside the club after hours to have several alcoholic beverages. The complainant stated they were drinking downstairs and she got tired and came upstairs and lay across the bar at The Tap



GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT

complainant then stated that she fell asleep and was awakened by an unknown male sexually assaulting her. The complainant was transported to Washington Hospital for treatment. This violent crime can be connected directly to the operations of the Bohemian Caverns establishment and severely endangers the residents and visitors of this city.

Consequently, pursuant to D.C. Official Code § 25-827, I hereby request that the Alcoholic Beverage Control Board (The Board) revoke the license for Bohemian Caverns to sell alcoholic beverages. Pursuant to my authority under the Emergency Suspension of Liquor Licenses Act of 2005 (D.C. Law 16-20, D.C. Official Code § 25-827), I intend to close the "Bohemian Caverns" effective at 6:00 p.m. on Saturday, December 8, 2012, for up to 96 hours subject to a hearing and pending disposition by the Board under D.C. Official Code § 25-826.

I find that continued operation of this establishment presents an imminent danger to the health and safety of the public, that there would be an additional imminent danger to the health and welfare of the public if the establishment is not closed, and that there is no other immediately available measure that would ameliorate the threat to the public safety. I have made my determination based upon the recommendation of Assistant Chief Diane Groomes of the Patrol Services and School Security Bureau.

Additional information pertaining to crime statistics will be provided to the Department of Consumer and Regulatory Affairs (DCRA), the Attorney General's Office and the Alcoholic Beverage Regulation Administration (ABRA). I believe that the information obtained by the Metropolitan Police Department has provided the Board with sufficient information to make an evaluation and decision of my request. Should you need additional information, please contact Commander Jacob Kishter, Third District, of Patrol Services and School Security Bureau on (202) 528-8612.

Sincerely,

Cathy L. Lanier
Chief of Police

cc: Allen Y. Lew, City Administrator
Paul A. Quander, Deputy Mayor
Irvin B. Nathan, Attorney General
Diane C. Groomes, Assistant Chief of Police
Commander Jacob Kishter, Third District



GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT

[REDACTED]

December 8, 2012

Mr. Ormaro Brown
[REDACTED]

Mrs. Sashi Brown
[REDACTED]

Mrs. Tayari Starr
[REDACTED]

NOTICE OF CLOSURE

Dear Mr. Brown, Mrs. Brown, and Mrs. Starr

This notice pertains to your establishment located at 2001 11th Street, NW, Washington, DC, operating as "The Tap & Parlour" and operated by you with Retailer's Class CT 01 License (Club license #ABRA-074895).

On December 8, 2012, members from the Metropolitan Police Department were summoned to the 700 block of Harvard Street, NW, for a sexual assault. Once the units arrived on the scene and interviewed the complainant it was discovered that she was a victim of a Second Degree Sexual Assault. The complainant furthered advised it occurred while she was at 2001 11th Street, NW, the Bohemian Caverns, after the location was closed. Further preliminary information indicated that a friend of the complainant knew the manager of the Bohemian Caverns and the manager allowed them inside the club after hours to have several alcoholic beverages. The complainant stated they were drinking downstairs and she got tired and came upstairs and lay across the bar at the "The Tap & Parlour. The complainant then stated that she fell asleep and was awakened by an unknown male sexually assaulting her. The complainant was transported to Washington Hospital for treatment. This violent crime can be connected directly to the operations of the The Tap & Parlour establishment and severely endangers the residents and visitors of this city.

The Metropolitan Police Department is very concerned about the safety and welfare of the citizens living in or visiting this city. I would be remised in my duties if I did not address the concerns and the safety of the citizens of the District of Columbia following this serious assault occurring inside the club that resulted in brazen shooting on the streets of the District of Columbia. It is also my belief that there is no other immediately available measure to ameliorate the danger that your establishment presents to the public.

Therefore, by authority vested in me by the D.C. Official Code § 25-827, (Emergency Suspension of Liquor Licenses Act of 2005, D.C. Law 16-20), it is ordered that Bohemian Caverns located at 2001 11th Street, NW, Washington, DC, be closed for 96 continuous hours, starting at 6:00 p.m. on December 8, 2012, pending a determination by the Alcohol Beverage Regulation Administration regarding the safety of this establishment's continued operation.

Sincerely,



Cathy L. Lanier
Chief of Police

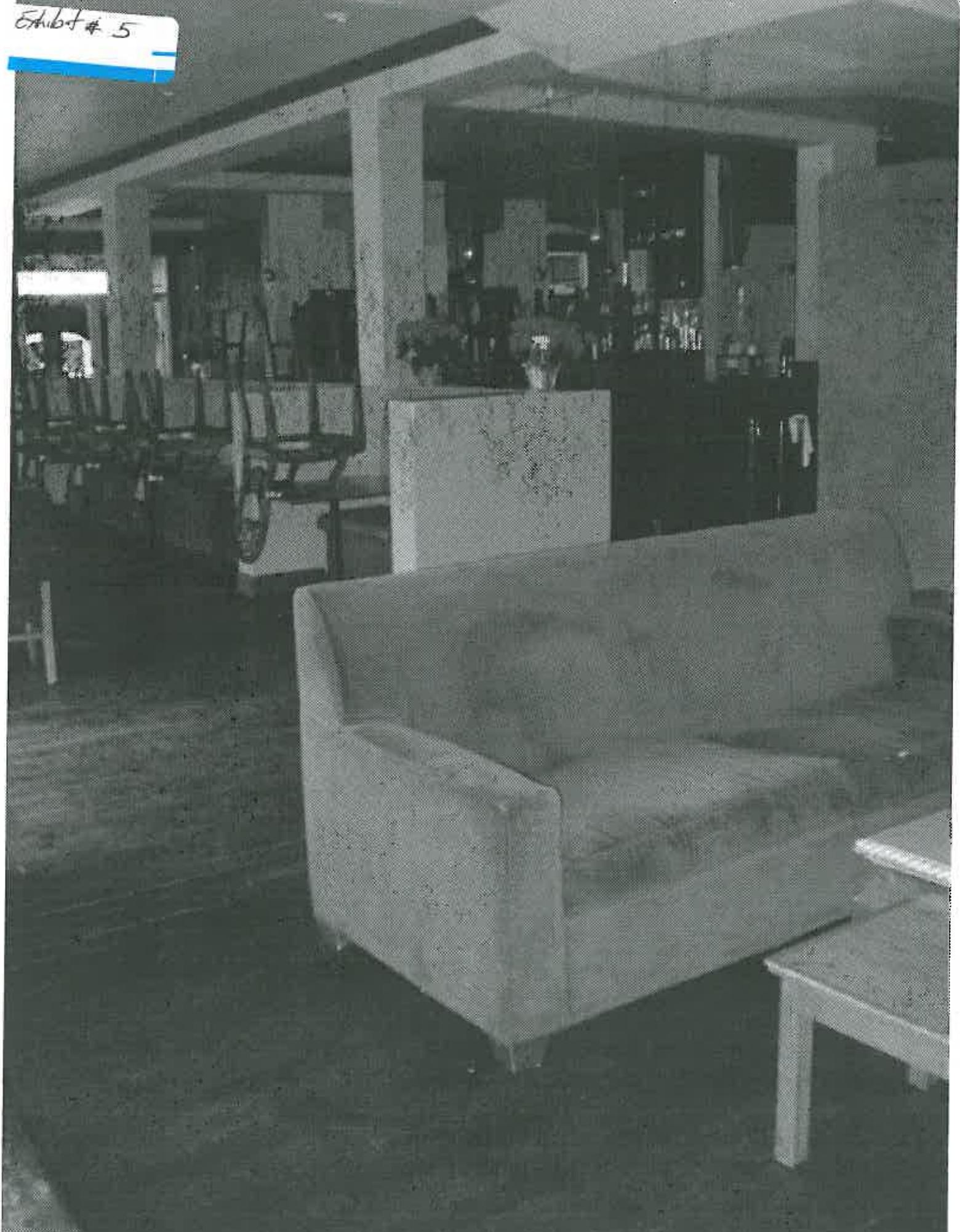
cc: Allen Y. Lew, City Administrator
Paul A. Quander, Deputy Mayor
Irvin B. Nathan, Attorney General
Assistant Chief Diane Groomes, Metropolitan Police Department
Commander Jacob Kishter, Third District
Fred Moosally, Director, Alcoholic Beverage Regulation Administration

The Tan + Parlow Bohemian Caverns

ABRA-074895

12/10/12

Exhibit # 5



The Tap & P'Arhone / Bohemian Caves

ABA - 074895

12/10/12

Exhibit #6

